

AMENDED IN ASSEMBLY AUGUST 16, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 228

Introduced by Senator Figueroa

February 15, 2005

An act to amend Sections 7804.1, 7806, 7810, 7815.5, 7830.1, 7833, 7835.1, 7837, 7841.1, 7850, 7850.1, 7852.1, and 7872 of the Business and Professions Code, relating to geologists and geophysicists.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as amended, Figueroa. ~~Board for Geologists and Geophysicists: sunset date.~~ *Geologists and Geophysicists: regulation.*

Existing law, the Geologist and Geophysicist Act, provides for the regulation of geologists and geophysicists by the Board for Geologists and Geophysicists, in the Department of Consumer Affairs. Under existing law, the provisions creating the board and authorizing the board to appoint an executive officer will become inoperative on July 1, 2006, and will be repealed as of January 1, 2007.

This bill would instead make these provisions inoperative and repealed on July 1, 2011, and January 1, 2012, respectively.

The bill would also change references to "registered geophysicist" and "registered geologist" to "professional geophysicist" and "professional geologist," respectively, in specified provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7804.1 of the Business and Professions Code is amended to read:

7804.1. Only a person registered as a geophysicist under the provisions of this chapter shall be entitled to take and use the title “professional geophysicist.” Only a person registered as a geophysicist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geophysicist.

SEC. 2. Section 7806 of the Business and Professions Code is amended to read:

7806. A subordinate is any person who assists a professional geologist or ~~registered professional~~ geophysicist in the practice of geology or geophysics without assuming the responsible charge of work.

~~SEC. 2.~~

SEC. 3. Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

Each member shall hold office until the appointment and qualification of the member’s successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint three of the public members and the three members qualified as provided in Section 7811. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment

shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983.

At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 3.~~

SEC. 4. Section 7815.5 of the Business and Professions Code is amended to read:

7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 7830.1 of the Business and Professions Code is amended to read:

7830.1. After one year following the effective date of this section, it shall be unlawful for anyone other than a geophysicist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geophysicist, *professional geophysicist*, or registered certified specialty geophysicist, or to use in any manner the title—~~“Registered Geophysicist”~~ *“registered geophysicist,” “professional geophysicist,”* or the title of any registered certified specialty geophysicist unless registered, or registered and certified, under this chapter.

1 *SEC. 6. Section 7833 of the Business and Professions Code is*
2 *amended to read:*

3 7833. This chapter does not prohibit one or more geologists
4 or geophysicists from practicing through the ~~medium~~ *entity* of a
5 sole proprietorship, partnership, or corporation. In a partnership
6 or corporation whose primary activity consists of geological
7 services, at least one partner or officer shall be a professional
8 geologist. In a partnership or corporation whose primary activity
9 consists of geophysical services, at least one partner or officer
10 shall be a ~~registered~~ *professional* geophysicist.

11 ~~SEC. 4.~~

12 *SEC. 7. Section 7835.1 of the Business and Professions Code*
13 *is amended to read:*

14 7835.1. All geophysical plans, specifications, reports, or
15 documents shall be prepared by a professional geophysicist,
16 registered certified specialty geophysicist, professional geologist,
17 registered certified specialty geologist, or by a subordinate
18 employee under his or her direction. In addition, they shall be
19 signed by the professional geophysicist, registered certified
20 specialty geophysicist, professional geologist, or registered
21 certified specialty geologist, or stamped with his or her seal,
22 either of which shall indicate his or her responsibility for them.

23 ~~SEC. 5.~~

24 *SEC. 8. Section 7837 of the Business and Professions Code is*
25 *amended to read:*

26 7837. A subordinate to a geologist or geophysicist registered
27 under this chapter, insofar as he or she acts solely in that
28 capacity, is exempt from registration under the provisions of this
29 chapter. This exemption, however, does not permit any
30 subordinate to practice geology or geophysics for others in his or
31 her own right or to use the title “professional geologist” or
32 “professional geophysicist.”

33 ~~SEC. 6.~~

34 *SEC. 9. Section 7841.1 of the Business and Professions Code*
35 *is amended to read:*

36 7841.1. An applicant for registration as a geophysicist shall
37 have all of the following qualifications. This section shall not
38 apply to applicants for registration as geologists.

39 (a) Not have committed any acts or crimes constituting
40 grounds for denial of licensure under Section 480.

(b) Meet one of the following educational requirements fulfilled at a school or university whose curricula meet criteria established by rules of the board.

(1) Graduation with a major in a geophysical science or any other discipline which in the opinion of the board is relevant to geophysics.

(2) Completion of a combination of at least 30 semester hours, in courses which in the opinion of the board are relevant to geophysics. At least 24 semester hours, or the equivalent, shall be in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geophysical work which shall include either a minimum of three years of professional geophysical work under the supervision of a professional geophysicist, except that prior to July 1, 1973, professional geophysical work shall qualify under this subdivision if it is under the supervision of a qualified geophysicist, or a minimum of five years' experience in responsible charge of professional geophysical work. Professional geophysical work does not include the routine maintenance or operation of geophysical instruments, or, even if carried out under the responsible supervision of a professional geophysicist, the routine reduction or plotting of geophysical observations.

Each year of undergraduate study in the geophysical sciences referred to in this section shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geophysical sciences referred to in this section at a college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four years towards meeting the requirements for at least seven years of professional geophysical work as set forth above.

The ability of the applicant shall have been demonstrated by his or her having performed the work in a responsible position, as

1 the term “responsible position” is defined in regulations adopted
2 by the board. The adequacy of the required supervision and
3 experience shall be determined by the board in accordance with
4 standards set forth in regulations adopted by it.

5 (d) Successfully pass a written examination.

6 *SEC. 10. Section 7850 of the Business and Professions Code*
7 *is amended to read:*

8 7850. Any applicant who has passed the examination and has
9 otherwise qualified hereunder as a geologist, upon payment of
10 the registration fee fixed by this chapter shall have a certificate of
11 registration issued to him *or her* as a *professional* geologist.

12 ~~SEC. 7.~~

13 *SEC. 11. Section 7850.1 of the Business and Professions*
14 *Code is amended to read:*

15 7850.1. Any applicant who has passed the examination and
16 has otherwise qualified hereunder as a geophysicist, upon
17 payment of the registration fee fixed by this chapter shall have a
18 certificate of registration issued to him or her as a professional
19 geophysicist.

20 ~~SEC. 8.~~

21 *SEC. 12. Section 7852.1 of the Business and Professions*
22 *Code is amended to read:*

23 7852.1. (a) Each geophysicist registered under this chapter
24 may, upon registration, obtain a seal of the design authorized by
25 the board bearing the registrant’s name, number of his or her
26 certificate, and the legend—~~“Professional Geophysicist.”~~
27 *“professional geophysicist.”*

28 (b) Each specialty geophysicist certified under this chapter
29 may, upon certification, obtain a seal of the design authorized by
30 the board bearing the registrant’s name, number of his or her
31 certificate and the legend—~~“Certified Specialty Geophysicist.”~~
32 *“certified specialty geophysicist.”*

33 *SEC. 13. Section 7872 of the Business and Professions Code*
34 *is amended to read:*

35 7872. Every person is guilty of a misdemeanor and for each
36 offense of which he *or she* is convicted is punishable by a fine of
37 not more than one thousand dollars (\$1,000) or by imprisonment
38 not to exceed three months, or by both fine and imprisonment:

39 (a) Who, unless he *or she* is exempt from registration under
40 this chapter, practices or offers to practice geology or geophysics

1 for others in this state according to the provisions of this chapter
2 without legal authorization.

3 (b) Who presents or attempts to file as his *or her* own the
4 certificate of registration of another.

5 (c) Who gives false evidence of any kind to the board, or to
6 any member thereof, in obtaining a certificate of registration.

7 (d) Who impersonates or uses the seal of any other
8 practitioner.

9 (e) Who uses an expired or revoked certificate of registration.

10 (f) Who shall represent himself *or herself* as, or use the title of,
11 ~~registered professional~~ geologist, or any other title whereby ~~such~~
12 ~~the~~ person could be considered as practicing or offering to
13 practice geology for others, unless he *or she* is qualified by
14 registration as a geologist under this chapter, or who shall
15 represent himself *or herself* as, or use the title of, ~~registered~~
16 ~~professional~~ geophysicist, or any other title whereby ~~such the~~
17 person could be considered as practicing or offering to practice
18 geophysics for others, unless he *or she* is qualified by registration
19 as a geophysicist under this chapter.

20 (g) Who manages, or conducts as manager, proprietor, or
21 agent, any place of business from which geological or
22 geophysical work is solicited, performed or practiced for others,
23 unless ~~such the~~ geological work is supervised or performed by a
24 ~~registered professional~~ geologist, or unless ~~such the~~ geophysical
25 work is supervised or performed by a ~~registered professional~~
26 geophysicist or geologist.

27 (h) Who violates any provision of this chapter.

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30 CORRECTIONS:

31 Text - Pages 3 and 4.
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